

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN PICARELLA, : CIVIL ACTION
 : NO. 13-676
Petitioner, :
 :
v. :
 :
MICHELLE FARRELL, et al., :
 :
Respondents. :

FILED AUG 02

O R D E R

AND NOW, this 2nd day of August, 2013, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, and after review of the Report and Recommendation of United States Magistrate Judge Jacob P. Hart, it is hereby **ENTERED** as follows:

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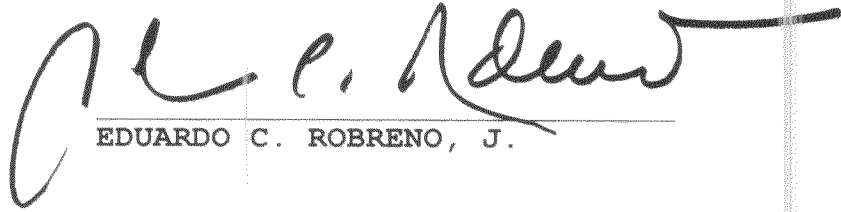
CLERK OF COURT

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;¹
2. The Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2241, is **DISMISSED without prejudice**; and

¹ The Magistrate Judge correctly reasoned that, although pursuant to 28 U.S.C. § 2241, the Court has jurisdiction to issue a writ of habeas corpus before a state court judgment is rendered, Petitioner must still exhaust his state remedies for a pre-trial writ before the Court may properly exercise jurisdiction over his claim. Report & Recommendation 2-3. Notably, Petitioner has filed no objections to the Magistrate Judge's Report and Recommendation.

3. A Certificate of Appealability will not issue.

AND IT IS SO ORDERED.



EDUARDO C. ROBRENO, J.